



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

TOM REILLY
ATTORNEY GENERAL

(617) 727-2200

MEMORANDUM

TO: Agency Legal Counsel

FROM: Pamela M. Dashiell, ^{PMD} General Counsel, Office of the Attorney General

RE: Change in Review and Approval Process for Legal Services Contracts

DATE: April 3, 2002

As of April 15, 2002, the Office of the Attorney General (OAG) will implement a new protocol for the review and approval of legal services contracts. The goal of the new protocol is to streamline the OAG review of legal services contracts. The critical changes are noted below.

I am asking that you distribute this information to all parties in your agencies who are involved in the legal services contracting process. I have enclosed detailed instructions on how to follow the protocol and one copy of the new Review Form that must be signed by the OAG prior to the provision of legal services. You should make additional copies of the Review Form for contracting purposes or access the Form electronically on the Comptroller's website. If you have any questions, please contact me at (617) 727-2200, ext. 2915. Thank you for your cooperation and assistance.

OAG Review is limited to:

determining that any attorney hired by a Department is a member of the Massachusetts Bar (or out of state bar) in good standing,

determining that the attorney(s) has no apparent conflicts of interests, and

if the attorney is providing litigation services, ensuring that he/she will appear in court on behalf of the Commonwealth only after appointment as a Special Assistant Attorney General (SAAG) by the OAG.

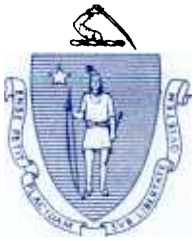
Departments will no longer send the entire contract package to the OAG for review.

Departments will now send only COPIES (not originals) of the "Review Form for Attorneys Providing Legal Services" with required attachments to the OAG for review.



- The Review Form and attachments can be sent at any time during the contracting process, and Departments do not have to wait until the Contract is signed to send the documentation to the OAG for review.
- This form must be completed and submitted (with required attachments) to the OAG PRIOR to the start of performance or change in performance for:
 - any new legal services contract, and/or
 - any significant amendment to the scope of services under an existing contract.
- Irrespective of contract execution dates or other contract approvals, legal services may not begin until OAG review is completed.
- Unless otherwise requested by a Department, the OAG will fax the Review Form with the OAG sign-off, to the Department Contact Person and Fax listed on the Form in order to expedite the review process.

Departments must attach a COPY of the faxed Form to the executed attorney contract.



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MEMORANDUM

TO: Interested Parties *pmid*
FROM: Pamela M. Dashiell, General Counsel, Office of the Attorney General
RE: Review and Approval Process for Legal Services Contracts
DATE: APRIL 3, 2002

The Office of the Attorney General (OAG) is changing its role in the review and approval of legal services contracts. The purpose of this new process is to streamline the review of legal services contracts and it will take effect as of April 15, 2002. OAG review is limited to determining that:

- any attorney/firm hired by a Department is a member of the Massachusetts Bar (or out of state bar) in good standing,
- the attorney(s) has no apparent conflicts of interests, and
- and if the attorney is providing litigation services, will appear in court on behalf of the Commonwealth only after his/her appointment as a Special Assistant Attorney General (SAAG) by the OAG.

When Departments are contracting for legal services (H09 and N03) the following instructions should be followed.

Send only copies (not originals) of the following:

1. the completed "***Review Form for Attorneys Providing Legal Services***",
2. the detailed **Scope of Services** outlining the specific legal services (H09 and N03 object codes) that will be performed by the attorney or firm,
3. a copy/printout from the Internet of the Board of Bar Overseers record of good standing **for each attorney** listed above who will be assigned to perform services, or who are identified as "key personnel" under the Contract. (See form for additional details)
4. **Consultant Contractor Mandatory Submission Form** completed by the Contractor with all required attachments, or statement of financial interest for Non-Executive Departments and a resume.

DO NOT SEND THE ENTIRE CONTRACT PACKAGE TO THE OAG FOR REVIEW.

Please note that the Review Form and attachments can be sent **at any time** during the contracting process, and Departments do not have to wait until the Contract is signed to send the documentation to the OAG for review. In fact, Departments are encouraged to submit the required documentation as early in the contracting process as possible to ensure that the start of services is not delayed.



The Review Form and attachments must be completed and submitted (with required attachments) to the OAG **prior** to the start of performance or change in performance for:

- any new legal services contract, and/or
- 2. any significant amendment to the scope of services under an existing contract.

Irrespective of contract execution dates or other contract approvals, legal services may not begin until the OAG review is completed, as indicated by the date of sign-off on the Review Form. The Commonwealth policy continues to be that the latest signature date of any component of the completed contract is the effective date for that contract.

Unless otherwise requested by a Department as part of the Review Form documentation, the OAG will fax the Review Form with the OAG sign-off (without attachments) to the Department Contact Person at the fax number listed on the Form in order to expedite the review process. Documents submitted to the OAG for review **WILL NOT BE RETURNED TO THE DEPARTMENT**, so be sure that copies (and not any originals) are submitted.

Once the OAG review is completed, a Department must attach the faxed Review Form containing the OAG sign-off to the executed attorney contract.

Please contact Pamela Dashiell, General Counsel, Office of the Attorney General (617-727-2200 x2915, pamela.dashiell@ago.state.ma.us) if you have any questions regarding this new process.

Cc: Agency General Counsel

Attachment: *Review Form for Attorneys Providing Legal Services*